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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,664	05/21/2004	Min-Hsun Hsieh	KYCP0009USA1	3663
27765	7590	02/24/2006	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			DANG, TRUNG Q	
			ART UNIT	PAPER NUMBER
			2823	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/709,664	Applicant(s) HSIEH ET AL.	
Examiner Trung Dang	Art Unit 2823	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 2/10/06
13. ☐ Other: _____.


Trung Dang
Primary Examiner
Art Unit: 2823

Continuation of 11. does NOT place the application in condition for allowance because: In page 3 of the Remarks, applicants argue that "... we can conclude that Yamazaki never teaches holding the transparent conductive layer 20 and the substrate 10 together with the metal thin layer 15, or bonding together the transparent conductive layer 20 and the metal thin layer 15 of the substrate 10. The transparent conductive layer 20 is just formed on the metal thin layer 15 by sputtering, not by bonding. Therefore, Yamazaki's metal thin layer used to enhance the adhesive properties of sputtering is not analogous to Yang's adhesion promoter provided by BCB bondings, and it would not be obvious to one skilled in the art to combine these two teachings." The Examiner respectfully disagrees. It is the reference to Yang, not Yamazaki, that is employed in the rejection to show the teaching of using an adhesion promoter layer for improving the adhesion property between the LED epitaxial structure and the transparent substrate which are bonded together by a transparent adhesive layer 14 of BCB or epoxy (col. 4, lines 1-6 and Fig.3 in Yang). What Yang lacks is the material of the adhesion promoter layer 14. However, the deficiency in Yang is provided by Yamazaki's teaching. That is, a metal material such as Ti or Cr is taught to enhance the adhesion property between a transparent substrate and an ITO transparent conductive layer (para. [0068]). Accordingly, Yamazaki's teaching provides motivation as to why one of ordinary skill in the art would select Ti or Cr for the adhesion promoter layer. It is noted that the combined process of Lebby and Yang results in the formation of the adhesion promoter layers on the surface of the LED first stack (i.e., on the ITO transparent conductive layer 20 depicted in Fig. 3 of Lebby) and on the surface of the transparent substrate 25 (i.e., between the transparent substrate 25 and the transparent adhesive layer 22). That is, the adhesion promoter enhances the adhesion property between the transparent substrate and the ITO layer 20. Such feature is within the context of Yamazaki's teaching, hence combining the two references of Yang and Yamazaki is relevant.

The information disclosure statement (IDS) submitted on 2/10/06 was filed after the mailing date of the final Office action on 11/15/05. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.